IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4633 OF 2003

Smt.Manda Mangesh Raikar
and Ors. ..Applicants

Vs.

Vikas Vasant Khanolkar
& Anr. ..Respondents

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Mr. Nilesh Pawaskar i/b Aparna Vhatkant for Applicants
Mr.Rajendra Sorankar for Respondent no.1
Mr.Y.S.Shinde, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 24,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for respondent no.1 and learned A.P.P. for the State.

2. The applicants are seeking quashing of complaint i.e. C.C.No. 251/S/2003 pending before the learned Metropolitan Magistrate, 22nd Court,

Andheri, Mumbai. In the said case process under Sections 341, 380, 457 r.w. 34 of IPC was issued. If the process issued against the applicants is set aside, the proceedings in respect of the applicants would come to an end. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]